

**Introduced by Senator Evans**

February 15, 2011

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An act to amend Sections 8276.2, 8276.3, 8279.1, 8280.1, 8280.2, 8280.3, 8280.4, 8280.5, and 8280.6 of the Fish and Game Code, relating to commercial fishing.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 369, as introduced, Evans. Dungeness crab.

(1) Existing law regulates the Dungeness crab fishery and, among other things, permits the Director of Fish and Game to delay the opening of the fishery in specified situations and regulates the taking of crab during those delays. Existing law sets forth the qualifications for a Dungeness crab vessel permit, and provides that no person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit. Existing law sets forth requirements for the issuance, transfer, and revocation of a vessel permit, and prescribes fees for each permit or permit transfer. Existing law requires the director to convene a Dungeness crab review panel for the purpose of reviewing applications for vessel permits and permit transfers, if the department makes a specified determination. Existing law provides that those provisions shall become inoperative on April 1, 2012, and, as of January 1, 2013, are repealed.

This bill would extend the operation of those provisions until April 1, 2015, and would repeal those provisions on January 1, 2016.

(2) Under existing law, except as expressly provided otherwise, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, is a misdemeanor.

Because this bill would extend the operation of the Dungeness crab vessel permit program and thereby the crimes imposed for a violation

of those provisions, the bill would create a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8276.2 of the Fish and Game Code is  
2     amended to read:  
3     8276.2. (a) The director may order a delay in the opening of  
4     the Dungeness crab fishery after December 1 in Districts 6, 7, 8,  
5     and 9 in any year. The delay in the opening shall not be later than  
6     January 15 of any year.  
7     (b) On or about November 1 of each year, the director may  
8     authorize one or more operators of commercial fishing vessels to  
9     take and land a limited number of Dungeness crab for the purpose  
10    of quality testing according to a testing program conducted by, or  
11    on behalf of, the Pacific States Marine Fisheries Commission or  
12    an entity approved by the department. The department shall not  
13    approve a testing program unless it is funded by the entity  
14    authorized to conduct the testing program. Crab taken pursuant to  
15    this section shall not be sold; however, any edible crabmeat  
16    recovered from the crabs tested shall not be wasted and may be  
17    used for charitable purposes.  
18    (c) The director shall order the opening of the Dungeness crab  
19    season in Districts 6, 7, 8, and 9 on December 1 if the quality tests  
20    authorized in subdivision (b) indicate the Dungeness crabs are not  
21    soft-shelled or low quality. The entity authorized to conduct the  
22    approved testing program may test, or cause to be tested, crabs  
23    taken for quality and soft shells pursuant to the approved testing  
24    program. If the tests are conducted on or about November 1 and  
25    result in a finding that Dungeness crabs are soft-shelled or low  
26    quality, the director shall authorize a second test to be conducted  
27    on or about November 15 pursuant to the approved testing program.  
28    If the second test results in a finding that Dungeness crabs are

1 soft-shelled or low quality, the director may order the season  
2 opening delayed for a period of 15 days and may authorize a third  
3 test to be conducted on or about December 1. If the third test results  
4 in a finding that Dungeness crabs remain soft-shelled or of low  
5 quality, the director may order the season opening delayed for a  
6 period of an additional 15 days and authorize a fourth test to be  
7 conducted. This procedure may continue to be followed, except  
8 that ~~no~~ tests shall *not* be conducted after January 1 for that season,  
9 and the season opening shall not be delayed by the director later  
10 than January 15.

11 ~~(d) This section shall become inoperative on April 1, 2012, and,~~  
12 ~~as of January 1, 2013, is repealed, unless a later enacted statute~~  
13 ~~that is enacted before January 1, 2013, deletes or extends the dates~~  
14 ~~on which it becomes inoperative and is repealed.~~

15 *(d) This section shall become inoperative on April 1, 2015, and,*  
16 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
17 *that becomes operative on or before January 1, 2016, deletes or*  
18 *extends the dates on which it becomes inoperative and is repealed.*

19 SEC. 2. Section 8276.3 of the Fish and Game Code is amended  
20 to read:

21 8276.3. (a) If there is any delay ordered by the director  
22 pursuant to Section 8276.2 in the opening of the Dungeness crab  
23 fishery in Districts 6, 7, 8, and 9, a vessel ~~may~~ *shall* not take or  
24 land crab within Districts 6, 7, 8, and 9 during any closure.

25 (b) If there is any delay in the opening of the Dungeness crab  
26 season pursuant to Section 8276.2, the opening date in Districts  
27 6, 7, 8, and 9 shall be preceded by a 36-hour gear setting period,  
28 as ordered by the director.

29 ~~(e) This section shall become inoperative on April 1, 2012, and,~~  
30 ~~as of January 1, 2013, is repealed, unless a later enacted statute~~  
31 ~~that is enacted before January 1, 2013, deletes or extends the dates~~  
32 ~~on which it becomes inoperative and is repealed.~~

33 *(c) This section shall become inoperative on April 1, 2015, and,*  
34 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
35 *that becomes operative on or before January 1, 2016, deletes or*  
36 *extends the dates on which it becomes inoperative and is repealed.*

37 SEC. 3. Section 8279.1 of the Fish and Game Code is amended  
38 to read:

39 8279.1. (a) ~~No~~ A person shall *not* take, possess onboard, or  
40 land Dungeness crab for commercial purposes from any vessel in

1 ocean waters in District 6, 7, 8, or 9 for 30 days after the opening  
2 of the Dungeness crab fishing season in California, if both of the  
3 following events have occurred:

4 (1) The opening of the season has been delayed pursuant to state  
5 law in California.

6 (2) The person has taken, possessed onboard, or landed  
7 Dungeness crab for commercial purposes, from ocean waters  
8 outside of District 6, 7, 8, or 9, prior to the opening of the season  
9 in those districts.

10 (b) ~~No~~—A person shall *not* take, possess onboard, or land  
11 Dungeness crab for commercial purposes from any vessel in ocean  
12 waters south of the border between Oregon and California for 30  
13 days after the opening of the Dungeness crab fishing season in  
14 California, if both of the following events have occurred:

15 (1) The opening of the season has been delayed pursuant to state  
16 law in California.

17 (2) The person has taken, possessed onboard, or landed  
18 Dungeness crab for commercial purposes in Oregon or Washington  
19 prior to the opening of the season in California.

20 (c) ~~No~~—A person shall *not* take, possess onboard, or land  
21 Dungeness crab for commercial purposes from any vessel in ocean  
22 waters north of the border between Oregon and California for 30  
23 days after the opening of the Dungeness crab fishing season in  
24 Oregon or Washington, if both of the following events have  
25 occurred:

26 (1) The opening of the season has been delayed in Oregon or  
27 Washington.

28 (2) The person has taken, possessed onboard, or landed  
29 Dungeness crab for commercial purposes in California prior to the  
30 opening of the season in ocean waters off Oregon or Washington.

31 (d) ~~No~~—A person shall *not* take, possess onboard, or land  
32 Dungeness crab for commercial purposes from any vessel in ocean  
33 waters off Washington, Oregon, or California for 30 days after the  
34 opening of the Dungeness crab fishing season in California,  
35 Oregon, or Washington, if both of the following events have  
36 occurred:

37 (1) The opening of the season has been delayed in Washington,  
38 Oregon, or California.

39 (2) The person has taken, possessed onboard, or landed  
40 Dungeness crab for commercial purposes in either of the two other

1 states prior to the delayed opening in the ocean waters off any one  
2 of the three states.

3 (e) A violation of this section ~~shall not constitute~~ *does not*  
4 *constitute* a misdemeanor. Pursuant to Section 7857, the  
5 commission shall revoke the Dungeness crab vessel permit held  
6 by any person who violates this section.

7 ~~(f) This section shall become inoperative on April 1, 2012, and,~~  
8 ~~as of January 1, 2013, is repealed, unless a later enacted statute~~  
9 ~~that is enacted before January 1, 2013, deletes or extends the dates~~  
10 ~~on which it becomes inoperative and is repealed.~~

11 *(f) This section shall become inoperative on April 1, 2015, and,*  
12 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
13 *that becomes operative on or before January 1, 2016, deletes or*  
14 *extends the dates on which it becomes inoperative and is repealed.*

15 SEC. 4. Section 8280.1 of the Fish and Game Code is amended  
16 to read:

17 8280.1. (a) ~~No~~ A person shall *not* use a vessel to take, possess,  
18 or land Dungeness crab for commercial purposes using Dungeness  
19 crab traps authorized pursuant to Section 9011, unless the owner  
20 of that vessel has a Dungeness crab vessel permit for that vessel  
21 that has not been suspended or revoked. This section does not  
22 apply to a commercially registered fishing vessel ~~when~~ *if* it is being  
23 used solely to assist a permitted vessel transport or set traps.

24 (b) A Dungeness crab vessel permit may be issued only to the  
25 following persons for use on qualifying vessels:

26 (1) A person, who has a commercial fishing license issued  
27 pursuant to Section 7852 or Article 7 (commencing with Section  
28 8030) of Chapter 1 that has not been suspended or revoked, who  
29 is the owner of a commercial fishing vessel that has been registered  
30 with the department pursuant to Section 7881 in each of the  
31 1991–92, 1992–93, and 1993–94 permit years and a minimum of  
32 four landings in each of three Dungeness crab seasons in the period  
33 from November 1, 1984, to April 1, 1994, have been made from  
34 that vessel. This paragraph includes any person purchasing a vessel  
35 qualifying pursuant to this paragraph.

36 (2) A person who has a commercial fishing license issued  
37 pursuant to Section 7852 or Article 7 (commencing with Section  
38 8030) of Chapter 1 that has not been suspended or revoked, who  
39 is the owner of a commercial fishing vessel that has been registered  
40 with the department pursuant to Section 7881 in each of the

1 1991–92, 1992–93, and 1993–94 permit years and a minimum of  
2 four landings in one of the Dungeness crab seasons in the period  
3 from November 1, 1984, to April 1, 1994, have been made from  
4 that vessel in this state as documented by landing receipts delivered  
5 to the department pursuant to Section 8046, who the department  
6 finds to have been unable, due to illness or injury or any other  
7 hardship, to make a minimum of four landings in each of two of  
8 the previous three Dungeness crab seasons, and who, in good faith,  
9 intended to participate in the Dungeness crab fishery in those  
10 seasons.

11 (3) A person who has a commercial fishing license issued  
12 pursuant to Section 7852 that has not been suspended or revoked,  
13 who meets the requirements of Section 8101, and who,  
14 notwithstanding Section 8101, is, at the time of application, the  
15 owner of a fishing vessel that is not equipped for trawling with a  
16 net and that has been registered pursuant to Section 7881 in each  
17 of the 1991–92, 1992–93, and 1993–94 permit years. Not more  
18 than one Dungeness crab vessel permit shall be issued to any  
19 person qualifying under Section 8101 and all permits issued under  
20 Section 8101 ~~shall, notwithstanding paragraph (1) of subdivision~~  
21 ~~(a)~~ (b) of Section 8280.3, *shall* be nontransferable. A person  
22 qualifying for a permit under this paragraph shall have participated  
23 in the Dungeness crab fishery on or before March 31, 1994, as  
24 documented by landing receipts that were prepared in that person's  
25 name for not less than four landings of Dungeness crab taken in a  
26 crab trap in a Dungeness crab season and were delivered to the  
27 department pursuant to Section 8046. ~~No~~ A person shall *not* be  
28 issued a permit under this paragraph if that person has been issued  
29 a permit under any other provision of this section for another  
30 vessel. For purposes of Section 8101, "participated in the fishery"  
31 means made not less than four landings of Dungeness crab taken  
32 by traps in that person's name in one Dungeness crab season. The  
33 department shall separately identify permits issued pursuant to this  
34 paragraph and those permits shall become immediately null and  
35 void upon the death of the permittee. The department shall not  
36 issue or renew any permit under this paragraph to a person if the  
37 person failed to meet the participation requirements of four  
38 landings in one season prior to April 1, 1994, or has been issued  
39 a Dungeness crab permit for a vessel under any other paragraph  
40 of this subdivision.

1 (4) A person who has a commercial fishing license issued  
2 pursuant to Section 7852 that has not been suspended or revoked,  
3 who meets one of the following conditions:

4 (A) The person held a Dungeness crab permit issued pursuant  
5 to Section 8280 as it read on April 1, 1994, and participated in the  
6 Dungeness crab fishery between November 1, 1984, and April 1,  
7 1994, and is the owner of a vessel that has been registered with  
8 the department in each of the 1991–92, 1992–93, and 1993–94  
9 permit years but did not make landings or the department records  
10 do not indicate a minimum of four landings per season for three  
11 Dungeness crab seasons from that vessel or in that person’s name  
12 because of a partnership or other working arrangement where the  
13 person was working aboard another vessel engaged in the  
14 Dungeness crab fishery in California.

15 (B) The person held a Dungeness crab permit issued under  
16 Section 8280 as it read on April 1, 1994, and is the owner of a  
17 commercial fishing vessel that has been registered with the  
18 department pursuant to Section 7881 in each of the 1991–92,  
19 1992–93, and 1993–94 permit years and from which a minimum  
20 of four landings utilizing traps were made in at least one Dungeness  
21 crab season in the period between November 1, 1984, and April  
22 1, 1994, and from which either four landings were made utilizing  
23 traps or landings in excess of 10,000 pounds were made utilizing  
24 traps in each of two other Dungeness crab seasons in that same  
25 period, as documented by landing receipts.

26 (C) The person held a Dungeness crab vessel permit issued  
27 under Section 8280 as it read on April 1, 1994, or was an officer  
28 in a California corporation that was licensed pursuant to Article 7  
29 (commencing with Section 8030) of Chapter 1 as of April 1, 1994,  
30 and began construction or reconstruction of a vessel on or before  
31 January 1, 1992, for the purpose of engaging in the Dungeness  
32 crab fishery, including the purchase of equipment and gear to  
33 engage in that fishery in California. A person may be issued a  
34 permit under this condition only if the person intended in good  
35 faith to participate in the California Dungeness crab fishery, a  
36 denial of a permit would create a financial hardship on that person,  
37 and, for purposes of determining financial hardship, the applicant  
38 is a nonresident and cannot participate with his or her vessel or  
39 vessels in the Dungeness crab fishery of another state because of

1 that state's limited entry or moratorium on the issuance of permits  
2 for the taking of Dungeness crab.

3 (5) A person who has a commercial fishing license issued  
4 pursuant to Section 7852 that has not been suspended or revoked,  
5 who held a Dungeness crab permit issued under Section 8280 as  
6 it read on April 1, 1994, who made a minimum of four landings  
7 of Dungeness crab taken by traps in each of three Dungeness crab  
8 seasons in the period from November 1, 1984, to April 1, 1994,  
9 in his or her name in this state from a vessel owned by that person,  
10 as documented by landing receipts, who, between April 1, 1991,  
11 and January 1, 1995, purchased, contracted to purchase, or  
12 constructed a vessel, not otherwise qualifying pursuant to paragraph  
13 (1), (2), or (4), who has continuously owned that vessel since its  
14 purchase or construction, and who either (A) has used that vessel  
15 for the taking of Dungeness crab in this state on or before March  
16 31, 1995, as documented by one or more landing receipts delivered  
17 to the department pursuant to Section 8046, or (B) intended in  
18 good faith, based on evidence that the department and the review  
19 panel may require, including investment in crab gear, to enter that  
20 vessel in this state's Dungeness crab fishery not later than  
21 December 1, 1995. Not more than one permit may be issued to  
22 any one person under this paragraph.

23 (6) A person who held a Dungeness crab permit issued under  
24 Section 8280 as it read on April 1, 1994, who made a minimum  
25 of four landings utilizing traps in this state in each of three  
26 Dungeness crab seasons in the period between November 1, 1984,  
27 and April 1, 1994, in his or her name from a vessel operated by  
28 that person as documented by landing receipts, who currently does  
29 not own a vessel in his or her name, and who has not sold or  
30 transferred a vessel otherwise qualifying for a permit under this  
31 section. A permit may be issued under this paragraph for a vessel  
32 not greater in size than the vessel from which the previous landings  
33 were made, and, in no event, for a vessel of more than 60 feet in  
34 overall length, to be placed on a vessel that the person purchases  
35 or contracts for construction on or before April 1, 1996. A permit  
36 issued under this paragraph shall be nontransferable and shall not  
37 be used for a vessel not owned by that person, and shall be revoked  
38 if the person (A) fails to renew the permit or annually renew his  
39 or her commercial fishing license issued pursuant to Section 7852



1 or (B) is or becomes the owner of another vessel permitted to  
2 operate in the Dungeness crab fishery pursuant to this section.

3 (c) The department may require affidavits offered under penalty  
4 of perjury from persons applying for permits under subdivision  
5 (b) or from witnesses corroborating the statements of a person  
6 applying for a Dungeness crab vessel permit. Affidavits offered  
7 under penalty of perjury shall be required of an applicant if the  
8 department cannot locate records required to qualify under  
9 subdivision (b).

10 (d) ~~No~~A person shall *not* be issued a Dungeness crab vessel  
11 permit under this section for any vessel unless that person has a  
12 valid commercial fishing license issued pursuant to Section 7852  
13 that has not been suspended or revoked.

14 (e) Notwithstanding Section 7852.2 or subdivision (e) of Section  
15 8280.2, the department may issue a Dungeness crab vessel permit  
16 that has not been applied for by the application deadline if the  
17 department finds that the failure to apply was a result of a mistake  
18 or hardship, as established by evidence the department may require,  
19 the late application is made not later than October 15, 1995, and  
20 payment is made by the applicant of a late fee of two hundred fifty  
21 dollars (\$250) in addition to all other fees for the permit.

22 (f) The department may waive the requirement that a person  
23 own a commercial fishing vessel that has been registered with the  
24 department pursuant to Section 7881 in each of the 1991–92,  
25 1992–93, and 1993–94 permit years for one of those required years  
26 under this section only if the vessel was registered and used in the  
27 California Dungeness crab fishery during the registration year  
28 immediately prior to the year for which the waiver is sought and  
29 was registered and used in the California Dungeness crab fishery  
30 after the year for which the waiver is sought and if the reason for  
31 the failure to register in the year for which the waiver is sought  
32 was due to a death, illness, or injury, or other hardship, as  
33 determined by the review panel, that prevented the vessel from  
34 being registered and operated in the fishery for that registration  
35 year.

36 (g) If any person submits false information for the purposes of  
37 obtaining a Dungeness crab vessel permit under this section, the  
38 department shall revoke that permit, if issued, revoke the person's  
39 commercial fishing license that was issued pursuant to Section  
40 7850 for a period of not less than five years, and revoke the

1 commercial boat registration for a period of not less than five years  
2 of any vessel registered to that person pursuant to Section 7881 of  
3 which that person is the owner.

4 ~~(h) This section shall become inoperative on April 1, 2012, and,~~  
5 ~~as of January 1, 2013, is repealed, unless a later enacted statute~~  
6 ~~that is enacted before January 1, 2013, deletes or extends the dates~~  
7 ~~on which it becomes inoperative and is repealed.~~

8 *(h) This section shall become inoperative on April 1, 2015, and,*  
9 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
10 *that becomes operative on or before January 1, 2016, deletes or*  
11 *extends the dates on which it becomes inoperative and is repealed.*

12 SEC. 5. Section 8280.2 of the Fish and Game Code is amended  
13 to read:

14 8280.2. (a) The owner of a Dungeness crab vessel, for purposes  
15 of this section, may include a person with a bona fide contract for  
16 the purchase of a vessel who otherwise meets all other  
17 qualifications for a Dungeness crab vessel permit. If a contract is  
18 found to be fraudulent or written or entered into for the purposes  
19 of circumventing qualification criteria for the issuance of a permit,  
20 the applicant shall be permanently ineligible for a Dungeness crab  
21 vessel permit.

22 (b) A Dungeness crab vessel permit shall be issued only to the  
23 person owning the vessel at the time of application for that permit.  
24 ~~No~~ A person shall *not* be issued more than one permit for each  
25 vessel owned by that person and qualifying for a permit pursuant  
26 to Section 8280.1.

27 (c) A Dungeness crab vessel permit shall be issued only to the  
28 owner of a vessel taking crab by traps. ~~No~~ A permit shall *not* be  
29 issued to the owner of a vessel using trawl or other nets unless the  
30 owner of that vessel qualifies for a permit pursuant to paragraph  
31 (1) of subdivision (b) of Section 8280.1. ~~No~~ A trawl or other net  
32 vessel authorized under this code to take Dungeness crab incidental  
33 to the taking of fish in trawl or other nets shall *not* be required to  
34 possess a Dungeness crab vessel permit.

35 (d) Dungeness crab vessel permits shall not be combined or  
36 otherwise aggregated for the purpose of replacing smaller vessels  
37 in the fishery with a larger vessel, and a permit shall not be divided  
38 or otherwise separated for the purpose of replacing a vessel in the  
39 fishery with two or more smaller vessels.

(e) Applications for renewal of all Dungeness crab vessel permits shall be received by the department, or, if mailed, postmarked, by April 30 of each year. In order for a vessel to retain eligibility, a permit shall be obtained each year subsequent to the initial permit year and the vessel shall be registered pursuant to Section 7881. The vessel owner shall have a valid commercial fishing license issued to that person pursuant to Section 7852 that has not been suspended or revoked. ~~No minimum~~ Minimum landings of Dungeness crab shall *not* be required annually to be eligible for a Dungeness crab vessel permit.

~~(f) This section shall become inoperative on April 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute that is enacted before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.~~

*(f) This section shall become inoperative on April 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 6. Section 8280.3 of the Fish and Game Code is amended to read:

8280.3. (a) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

~~(1)~~

(b) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of that vessel upon the sale of the vessel by the permitholder to the person purchasing the vessel. Thereafter, upon notice to the department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to Section 8280.1 for the use of that vessel in subsequent years. The person purchasing the vessel ~~may~~ *shall* not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

~~(2)~~

(c) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the department and payment of the

1 transfer fee specified in Section 8280.6, the replacement vessel  
2 may be used for the taking and landing of Dungeness crab for any  
3 and all of the unexpired portion of the permit year and that person  
4 is eligible for a permit pursuant to Section 8280.1 for the use of  
5 that replacement vessel in subsequent years.

6 ~~The~~

7 (d) *The* owner of a permitted vessel may transfer the permit to  
8 a vessel of greater capacity that was owned by that person on or  
9 before November 15, 1995, not to exceed 10 feet longer in length  
10 overall than the vessel for which the permit was originally issued  
11 or to a vessel of greater capacity purchased after November 15,  
12 1995, not to exceed five feet longer in length overall than the vessel  
13 for which the permit was originally issued.

14 ~~The~~

15 (e) *The* department, upon recommendation of the Dungeness  
16 crab review panel, may authorize the owner of a permitted vessel  
17 to transfer the permit to a replacement vessel that was owned by  
18 that person on or before April 1, 1996, that does not fish with trawl  
19 nets that is greater than five feet longer in length overall than the  
20 vessel for which the permit was originally issued, if all of the  
21 following conditions are satisfied:

22 ~~(A)~~

23 (1) A vessel of a larger size is essential to the owner for  
24 participation in another fishery other than a trawl net fishery.

25 ~~(B)~~

26 (2) The owner held a permit on or before January 1, 1995, for  
27 the fishery for which a larger vessel is needed and has participated  
28 in that fishery.

29 ~~(C)~~

30 (3) The permit for the vessel from which the permit is to be  
31 transferred qualified pursuant to paragraph (1) of subdivision (b)  
32 of Section 8280.1.

33 ~~(D)~~

34 (4) The vessel to which the permit is to be transferred does not  
35 exceed 20 feet longer in length overall than the vessel for which  
36 the permit was originally issued and the vessel to which the permit  
37 is to be transferred does not exceed 60 feet in overall length.

38 ~~No~~

39 (f) A transfer of a permit to a larger vessel shall *not* be allowed  
40 more than one time. If a permit is transferred to a larger vessel,

1 any Dungeness crab vessel permit for that permit year or any  
2 subsequent permit years for that larger vessel ~~may~~ *shall* not be  
3 transferred to another larger vessel. The department shall not  
4 thereafter issue a Dungeness crab vessel permit for the use of the  
5 original vessel from which the permit was transferred, except that  
6 the original vessel may be used to take or land Dungeness crab  
7 after that transfer if its use is authorized pursuant to another  
8 Dungeness crab vessel permit subsequently transferred to that  
9 vessel pursuant to this paragraph.

10 ~~(3)~~

11 (g) Upon the written approval of the department, the owner of  
12 a vessel to whom the Dungeness crab vessel permit has been issued  
13 may temporarily transfer the permit to another replacement vessel,  
14 for which use in the Dungeness crab fishery is not permitted  
15 pursuant to this section or Section 8280.1, for a period of not more  
16 than six months during the current permit year if the vessel for  
17 which the permit was issued is seriously damaged, suffers major  
18 mechanical breakdown, or is lost or destroyed, as determined by  
19 the department, upon approval of the director. The owner of the  
20 vessel shall submit proof that the department may reasonably  
21 require to establish the existence of the conditions of this  
22 paragraph. Upon approval by the director, the owner of a lost or  
23 destroyed vessel granted a six-month temporary transfer under this  
24 section may be granted an additional six-month extension of the  
25 temporary transfer.

26 ~~(4)~~

27 (h) Upon written approval of the department, the owner of a  
28 vessel to whom the Dungeness crab vessel permit has been issued  
29 may retain that permit upon the sale of that permitted vessel for  
30 the purpose of transferring the permit to another vessel to be  
31 purchased by that individual within one year of the time of sale of  
32 the vessel for which the permit was originally issued if the  
33 requirements of this section are satisfied, including the payment  
34 of transfer fees. If the permit is not transferred to a new vessel  
35 owned by the person to whom the vessel permit was originally  
36 issued within one year of the sale of the vessel for which it was  
37 originally issued, or if the person does not retain ownership of the  
38 new vessel to which the permit is transferred for a period of not  
39 less than one year, the permit shall be revoked.

40 ~~(5)~~

1 (i) In the event of the death or incapacity of a permitholder, the  
2 permit shall be transferred, upon application, to the heirs or assigns,  
3 or to the working partner, of the permitholder, together with the  
4 transfer of the vessel for which the permit was issued, and the new  
5 owner may continue to operate the vessel under the permit, renew  
6 the permit, or transfer the permit upon sale of the vessel pursuant  
7 to ~~paragraph (1) subdivision (b)~~.

8 ~~(b) This section shall become inoperative on April 1, 2012, and,~~  
9 ~~as of January 1, 2013, is repealed, unless a later enacted statute~~  
10 ~~that is enacted before January 1, 2013, deletes or extends the dates~~  
11 ~~on which it becomes inoperative and is repealed.~~

12 (j) *This section shall become inoperative on April 1, 2015, and,*  
13 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
14 *that becomes operative on or before January 1, 2016, deletes or*  
15 *extends the dates on which it becomes inoperative and is repealed.*

16 SEC. 7. Section 8280.4 of the Fish and Game Code is amended  
17 to read:

18 8280.4. (a) The commission may revoke the commercial  
19 fishing license issued pursuant to Section 7852 of any person  
20 owning a fishing vessel engaging in the taking or landing of  
21 Dungeness crab by traps for which that person has not obtained a  
22 Dungeness crab vessel permit, and the commission may revoke  
23 the registration, issued pursuant to Section 7881, for that vessel.

24 ~~(b) This section shall become inoperative on April 1, 2012, and,~~  
25 ~~as of January 1, 2013, is repealed, unless a later enacted statute~~  
26 ~~that is enacted before January 1, 2013, deletes or extends the dates~~  
27 ~~on which it becomes inoperative and is repealed.~~

28 (b) *This section shall become inoperative on April 1, 2015, and,*  
29 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
30 *that becomes operative on or before January 1, 2016, deletes or*  
31 *extends the dates on which it becomes inoperative and is repealed.*

32 SEC. 8. Section 8280.5 of the Fish and Game Code is amended  
33 to read:

34 8280.5. (a) The director shall convene a Dungeness crab review  
35 panel for the purpose of reviewing applications for Dungeness  
36 crab vessel permits pursuant to paragraphs (2) and (4) of  
37 subdivision (b) of Section 8280.1 and applications for permit  
38 transfers pursuant to Section 8280.3 if the department determines  
39 that the additional review and advice of the panel will be helpful  
40 in deciding whether to issue a permit or approve a transfer.

(b) The panel shall consist of one nonvoting representative of the department and three public voting members selected by the director to represent the Dungeness crab fishing industry. One public member shall be licensed pursuant to Article 7 (commencing with Section 8030) of Chapter 1 and active in Dungeness crab processing in this state. Two public members shall be licensed pursuant to Section 7852, one from Sonoma County or a county south of Sonoma County, and one from Mendocino County or a county north of Mendocino County, and active in the taking and landing of Dungeness crab in this state. The public members shall be reimbursed for their necessary and proper expenses to participate on the panel. A public member shall serve on the panel for not more than four consecutive years.

(c) The panel may conduct its review of applications referred to it by mail or teleconference.

(d) The panel shall review each application for a permit or permit transfer referred to it by the department and shall consider all oral and written evidence presented by the applicant that is pertinent to the application under review. If the panel recommends issuance of a permit or approval of the transfer, the department may issue a Dungeness crab vessel permit pursuant to Section 8280.1 or approve a permit transfer pursuant to Section 8280.3.

(e) All appeals of denials of Dungeness crab vessel permits shall be made to the commission and may be heard by the commission if the appeal of denial is filed in writing with the commission not later than 90 days from the date of a permit denial. The commission may order the department to issue a permit upon appeal if the commission finds that the appellant qualified for a permit under this chapter.

~~(f) This section shall become inoperative on April 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute that is enacted before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.~~

*(f) This section shall become inoperative on April 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 9. Section 8280.6 of the Fish and Game Code is amended to read:

1 8280.6. (a) The department shall charge a fee for each  
2 Dungeness crab vessel permit of two hundred dollars (\$200) for  
3 a resident of California and four hundred dollars (\$400) for a  
4 nonresident of California, *for the reasonable regulatory costs of*  
5 *the department.*

6 (b) The department shall charge a nonrefundable fee of two  
7 hundred dollars (\$200) for each transfer of a permit authorized  
8 pursuant to ~~paragraph (2), (4), or (5) of subdivision (a)~~ (c), (h), or  
9 (i) of Section 8280.3, *for the reasonable regulatory costs of the*  
10 *department.*

11 ~~(e) This section shall become inoperative on April 1, 2012, and,~~  
12 ~~as of January 1, 2013, is repealed, unless a later enacted statute~~  
13 ~~that is enacted before January 1, 2013, deletes or extends the dates~~  
14 ~~on which it becomes inoperative and is repealed.~~

15 (c) *This section shall become inoperative on April 1, 2015, and,*  
16 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
17 *that becomes operative on or before January 1, 2016, deletes or*  
18 *extends the dates on which it becomes inoperative and is repealed.*

19 SEC. 10. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.